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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/669,847	09/27/2000	Yoichi Okano	FQ5-488	6526

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EXAMINER

JAMAL, ALEXANDER

ART UNIT	PAPER NUMBER
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2643

DATE MAILED: 11/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/669,847

Applicant(s)

OKANO, YOICHI

Examiner

Alexander Jamal

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--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 29 September 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1,3-11 and 13-27.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

Continuation of 2. NOTE: Claims 1,8,11,18-21,25-27 have all been amended to include the limitation that the system determines whether a predetermined time interval exceeds the amount of time since last communication. The claims appear to have 35 USC 112 second paragraph issues. If the predetermined time interval exceeds the elapsed time since last communication, then there is no need to alert the user because the amount of time since last communication with a person does not exceed the predetermined threshold..


CURTIS KUNTZSUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

Response to Applicant's Remarks

1. Regarding the Examiner's comment in the July 22nd, 2004 Office Action stating that the March 2nd, 2004 office action was vacated. This was an error on the part of the examiner.

Examiner withdraws the statement in item #2 of the July 22nd, 2004 office action.

2. Examiner notes that the June 22, 2004 office action has been vacated.

3. Applicant's arguments filed 9-29-2004 have been fully considered but they are not persuasive.

As per applicant's remarks regarding the Nazanin reference, examiner contends that the Nazanin reference does disclose the steps as described in the claim language of claims 1 and 3 (note that the submitted amendment 9-29-2004 has not been entered). The Nazanin reference does disclose a call reminder system that is based upon the elapsed time (when the time to call is entered as an hour and minute format Col 2 lines 20-30) since last communication. The user is given an option to update the reminder time (either as a time of day or an hour and minute format) every time communication with a called party is terminated (this is a last communication time) (Col 3 lines 19-35).

As per applicant's remarks regarding the Nazanin reference in view of Smith, examiner contends that the two references are both directed to systems that facilitate phone calls for users. The Nazanin reference discloses the use of a predetermined before

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alert time period. The Smith reference discloses that user account information may be related to groups of user records (called party phone number lists) (Col 1 lines 10-55) in order to increase processing efficiency. The system in Nazanin easily implements the teachings of Smith by assigning the Default time (already disclosed in Nazanin) to a set or subset of a user's called party phone number list.

As per applicant's arguments regarding the Nazanin reference in view of Groff, examiner contends that the Groff reference is related to a device that inhibits the ringer (alerting system) of a phone during time periods when a user does not want to be disturbed, and the Nazanin reference is related to a phone device that alerts users.

As per applicant's comments regarding the Ishihara reference (remarks page 24), there is no Ishihara reference being used in the current set of rejections.

As per applicant's remarks regarding the Groff reference destroying the intended purpose of the Nazanin reference (to remind the user to call a party at a specific time or after a specific time duration when the phone is not offhook or turned off). The examiner contends that the Groff reference teaches an improvement over the Nazanin reference in that the user may specify alert inhibition time period. In Nazanin (Col 2 line 44 to Col 3 line 10) the system already contemplates a situation where the user needs to be alerted, but the phone is powered down or busy. The phone system is able to compensate for these situations without destroying the intended purpose of the phone.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander Jamal whose telephone number is 703-305-3433. The examiner can normally be reached on M-F 8AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis A Kuntz can be reached on 703-305-4708. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-872-9315 for After Final communications.

AJ
November 10, 2004


CURTIS KUNTZ
SUPERVISORY PATENT EXAMINER
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